

MINUTES

North Carolina Criminal Justice

Education and Training Standards Commission

Planning & Standards Committee

February 15, 2017

The Planning & Standards (P&S) Committee of the North Carolina Criminal Justice Education and Training Standards Commission met at Wake Tech Public Safety Center, Raleigh on Feb. 15th, 2017 at 10:30am.

Committee Members Present

Commissioner Jeff Welty, Acting Chair
Commissioner Brent Herron
Commissioner Trey Robison
Commissioner Teresa Jardon
Commissioner Jay Fortenbery
Commissioner James Moore
Commissioner Richard Epley
Commissioner Robert Hassell

Guests Present

Monica Shabo, OSDT
Heidi Bonner, East Carolina University
Nathan Mizell, Nash CC
Roger Langley, Pearson VUE
Ken Zraggen, Pearson VUE

CJ Standards Staff Present

Steven Combs
Trevor Allen
Richard Squires
Charminique Branson
Dawn Suffel

Call to Order

Acting Chair Jeff Welty called the committee meeting to order and declared a quorum.

New Commission Member Swearing In

Commission Secretary Donna Byrd administered oath to Chief Robert Hassell of Reidsville Police Department. The committee welcomed Chief Hassell who represents the NC Association Chiefs of Police.

Election of Vice-Chair

Commissioner Welty explained that because former Chair Scott Cunningham has resigned from the Commission, he now serves as acting chair until a formal election is conducted by the full Commission on Friday; therefore a new committee vice-chair would need to be selected. **Motion** to nominate Commissioner James Moore as committee vice-chair was made by Commissioner Richard Epley and **seconded** by Commissioner Jay Fortenbery. **Motion carried** unanimously.

Approval of the November 16th, 2016 Meeting Minutes

Motion to approve was made by Commissioner Trey Robison and **seconded** by Commissioner Teresa Jardon. **Motion carried** unanimously.

Rule-Making Hearing

Under separate cover.

Proposed Rule Revision

12 NCAC 09B .0301 – Certification of Instructors

The committee reviewed two possible versions of proposed language as prepared by legal counsel addressing Commission authority to suspend or deny an instructor's certification to teach Commission courses based on misconduct or suspension/denial of law enforcement certification. The committee agreed that rule change needs to be made and voted to request rule-making authority from the full Commission. **Motion** to accept proposed language was made by Commissioner Robert Hassell and **seconded** by Commissioner Teresa Jardon. **Motion carried** 7-1. An informal request was made asking staff to look into whether and how to address instructors who lose relevant non-law enforcement certifications.

Pearson VUE Proposal

On behalf of Pearson VUE of NCS Pearson, Inc., Mr. Kenneth Zraggen made formal presentation before the committee offering third-party computer-based test delivery services, replacing paper and pencil, for Commission testing. Deputy Director Trevor Allen stated that issues persist concerning test site availability/seat capacity and price. Ms. Charminique Branson shared an analysis estimating that it will cost \$300,000+/per year if utilizing Pearson VUE services vs. \$78,000+/per year utilizing the current method of testing. The committee agreed that consideration of having to pass on the exam cost to the basic law enforcement student is decidedly detrimental. Over concerns of cost and testing availability, **motion** to stay with the current system of testing and to not pursue third-party services at this time was made by Commissioner Jay Fortenbery and **seconded** by Commissioner Richard Epley. **Motion carried**.

Recruitment & Retention Update

Dr. Heidi Bonner from East Carolina University provided a qualitative update concerning the recruitment and retention study of Adult Institutional Corrections personnel. In summary, respondents revealed that better pay, employee recognition, and proper time off as well as improved supervisory support and training could help retain staff. Copy of the package is provided on the Commission's website. <http://ncdoj.gov/About-DOJ/Law-Enforcement-Training-and-Standards/Criminal-Justice-Education-and-Training-Standards/Forms-and-Publications.aspx>

Medical Guidelines

Committee agreed to changes in the guidelines supported by legal counsel and staff and final approval will go before the full Commission on Friday.

Motion to Adjourn

Motion to adjourn was made by Commissioner Richard Epley and **seconded** by Commissioner Robert Hassell. **Motion carried**.

**RULEMAKING HEARING
RULES REVISIONS**

**North Carolina Criminal Justice
Education and Training Standards Commission
February 15, 2017**

Call to Order

The Planning & Standards (P&S) Committee of the North Carolina Criminal Justice Education and Training Standards Commission met at the Wake Technical Community College, Public Safety Center on Feb. 15th, 2017. This committee presided over the public Rulemaking Hearing with Acting Committee Chair Jeff Welty calling the hearing to order at 10:30 am. Commissioner Welty stated the purpose of the hearing is to receive remarks from any persons interested in commenting on the proposed amendments to the Commission's Administrative Rules.

Committee Members Present

Commissioner Jeff Welty, Acting Chair
Commissioner Brent Herron
Commissioner Trey Robison
Commissioner Teresa Jardon
Commissioner Jay Fortenbery
Commissioner James Moore
Commissioner Richard Epley
Commissioner Robert Hassell

Guests Present

Monica Shabo, OSDT
Heidi Bonner, East Carolina University
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CJ Standards Staff Present

Steven Combs
Trevor Allen
Richard Squires
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Dawn Suffel

Commissioner Welty advised that proposed amendments would be read and, if needed, the amendments would be explained by staff and stated that after the rules are presented and explained, anyone wishing to comment would be allowed to do so. Mr. Welty read into the record the proposed rule amendments ---

12 NCAC 09B .0204 – TRAINING COURSE ENROLLMENT

Amendment makes provision for schools that offer BLEET training to run the course with a minimum of eight (8) full-time students instead of ten (10), with approval from the Standards Division.

12 NCAC 09B .0204 TRAINING COURSE ENROLLMENT

(a) Any school offering a Basic Law Enforcement Training Course shall have enrolled 10 trainees in the offering.

(b) Any school may make written request to the Director of the Standards Division to deliver the Basic Law Enforcement Training Course with no fewer than 8 enrolled trainees. The written request shall include a summary of the efforts the school has made to notify its respective community of the availability of the course, and the reasons supporting the school's need to enroll fewer than 10 trainees.

~~(b)~~(c) The school may not enroll any trainee later than the initial day of delivery of a certified training course unless the trainee's enrollment is pursuant to an authorization of limited enrollment in a subsequent course pursuant to Rule .0405 of this Subchapter or pursuant to prescribed supplementary or remedial training required pursuant to Rule .0402 of this Subchapter.

~~(e)~~(d) The school may not enroll more than 16 trainees in a presentation of the "Criminal Justice Instructor Training Course" as constituted under Rule .0209 of this Section.

Motion to adopt change and forward to the full Commission for approval was made by Commissioner Richard Epley and **seconded** by Commissioner Robert Hassell. **Motion carried.**

12 NCAC 09G .0206 – MORAL CHARACTER

Amendment defines conditions of moral character, specifically addressing criminal charges as well as any conduct that brings into question credibility and honesty for prospective Probation/Parole Officers and Corrections Officers.

12 NCAC 09G .0206 MORAL CHARACTER

Every person employed as a correctional officer or probation/parole officer by the Department of Public Safety, Division of Adult Correction and Juvenile Justice shall demonstrate good moral character as evidenced by the following:

- (7) not having pending or outstanding criminal charges which, if convicted of, would disqualify the applicant from holding such certification, pursuant to this Subchapter; and
- (8) Any conduct that brings into question the truthfulness or credibility of the officer, reflects poorly on the officer's profession, or conduct that involved "moral turpitude." "Moral Turpitude" is conduct that is contrary to justice, honesty, or morality. This conduct could include but is not limited to conduct as defined in: re Willis, 299 N.C. 1, 215 S.E. 2d 771 appeal dismissed 423 U.S. 976 (1975); in re State v. Harris, 216 N.C. 746, 6 S.E. 2d 854 (1940); in re Legg, 325 N.C. 658, 386 S.E. 2d 174(1989); in re Applicants for License, 143 N.C. 1, 55 S.E. 635 (1906); in re Dillingham, 188 N.C. 162, 124 S.E. 130 (1924); State v. Benbow, 309 N.C. 538, 308 S.E. 2d 647 (1983); and their progeny.

Motion to adopt change and forward to the full Commission for approval was made by Commissioner Teresa Jardon and **seconded** by Commissioner Jay Fortenbery. **Motion carried.** An informal request was made asking staff to evaluate this amendment with the equivalent rule on the law enforcement side.

12 NCAC 09H .0102 & .0105 – MINIMUM TRAINING SPECIFICATIONS & FILING AND FEES

Amendment revises the process for obtaining and renewing a Retired Law Enforcement Officer Firearm certification for a twelve (12) month period and clarifies the Division form required for application.

12 NCAC 09H .0102 MINIMUM TRAINING SPECIFICATIONS

(a) Each qualified retired law enforcement officer must qualify with each handgun he/she will carry in accordance with the standards outlined in 12 NCAC 09E ~~.0105(1)~~ .0105(a)(1) and 12 NCAC 09E .0106(a), (c), (e), (f) and (g), which shall be incorporated in classroom instruction and firearms qualification on the firing range utilizing the course of fire from the "Specialized Firearms Instructor Training Manual."

(b) In addition to the standards set out in Rules 09E .0105 and ~~.0106~~, .0106 of this Chapter, each qualified retired law enforcement officer shall also receive a minimum of two hours of instruction on the North Carolina laws of self defense and the use of force by private citizens, detention of persons by private persons, and assistance to law enforcement officers by private persons.

(c) Individuals meeting the requirements pursuant to Paragraphs (a) and (b) of this Rule, and who have submitted an application to the Commission and have met the requirements of Rule .0105 of this Subchapter, shall be certified for a period of 12 months from the date the application is approved by the Commission. Upon application for renewal the certification may be renewed by the Commission for 12 month periods, provided the qualified retired law enforcement officer meets the requirements specified in this Subchapter.

~~(e)(d)~~ Qualified retired law enforcement officers shall qualify with each handgun that will be carried concealed at least once ~~every 12 months~~ during each certification period. ~~For the purpose of this Rule, handgun shall include semi-automatic pistols or revolvers.~~

12 NCAC 09H .0105 FILING AND FEES

Each applicant for firearms qualification certification under the Qualified Retired Law Enforcement Officers Firearms Qualification Certification Program shall submit the following to the Commission:

- (1) ~~An original Commission-approved~~ A Commission application form (Form F-9R) containing the applicant's notarized signature which attests that the applicant meets the definition of qualified retired law enforcement officer set forth in G.S. 14-415.10 and is eligible to receive or possess firearms under federal and state law. ~~The application form Form F-9R, available on the agency's website at <http://www.ncdoj.gov/getdoc/23af3614-2aa2-4416-bbae-25cbe9441e06/1F-9R-8-09.aspx>, must also~~ shall include the signature of a Commission certified Specialized Firearms Instructor attesting that the applicant has met the training and qualification standards as specified in Rule 09H .0102 and lists the handguns with which the qualified retired officer qualified;

Motion to adopt change and forward to the full Commission for approval was made by Commissioner Brent Herron and **seconded** by Commissioner Richard Epley. **Motion carried.**

Planning and Standards Committee Meeting

Commissioner Welty stated for the record that there were no written comments or objections received by the rulemaking coordinator and that no guests were present at today's meeting who shared any comments or objections concerning these rules. Mr. Welty called an end to the rulemaking hearing.